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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/760,653

01/17/2001

Kiwamu Yoshioka

OKI 269

3433

23995

7590

10/07/2004

EXAMINER

KLINGER, SCOTT M

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,653

Applicant(s)

YOSHIOKA, KIWAMU

Examiner

Scott M. Klinger

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 are pending.

Response to applicant

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-13, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (U.S. Patent Number 6,507,845, hereinafter "Cohen") in view of Eintracht et al. (U.S. Patent Number 6,687,878, "Eintracht"). Cohen discloses a method and software for supporting improved awareness of and collaboration among users involved in a task. Cohen shows,

In referring to claim 1, Cohen shows substantial features of the claimed invention, including:

- Receiving and distribution means for receiving and distributing content of operations carried out for selecting and editing the shared image at the plurality of computers:

"The client's name is then associated with the selected document in the server, step 114, which propagates this new event information to update all the project users' document tool bars, step 116, and user tool bars, step 118, to reflect the

client's becoming active with the selected document.” (Cohen, col. 7, lines 62-66)

“In preferred embodiments, the document history contains events automatically recorded by the document management system running on the server but also to receive manually input events. Thus, the client may opt to update the history with a manual event, step 132, and the UI program accepts manual input of an activity and updates the history data file or document meta-data set, step 134. The manually input activity data is naturally propagated to other users by the server. This allows for storage of non-automatically recorded events, such as document “sent to opposing counsel” as indicated in the history window 232 in FIG. 16.” (Cohen, col. 8, lines 40-50)

- Accumulating means for accumulating and assigning order in order of receipt to received operation content:

The system of Cohen does not reorder the commands sent to the server, it simply accumulates (or receives) commands, and then propagates (or distributes) them to the users. This is analogous to accumulating and assigning order in the order of receipt

Cohen also shows the system is meant to operate with a plurality of applications: *“The application programs 32 may include any known software applications including word processors, spreadsheet programs, database management programs, accounting programs, etc.” (Cohen, col. 5, lines 1-4).* However, Cohen does not explicitly show editing an image. Nonetheless this feature is well known in the art and would have been an obvious implementation of the system disclosed by Cohen as evidenced by IV.

In analogous art, Eintracht discloses synchronizing/updating local client notes with annotations previously made by other clients in a notes database. Eintracht shows: *“The present invention is a system for collaborative document annotation whereby notes or annotations associated with a document, such as an image or text document, are stored on a web server.” (Eintracht, col. 2, lines 9-12)*

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of using the system of Cohen so as to edit an image, such as taught by Eintracht, in order to allow collaborative graphical annotations.

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In referring to claim 2,

- Accumulating means assigns order in units of elements comprising content displayed at display devices of the plurality of computers:

The assignment of order by said accumulating means is inherent in a system that accumulates and distributes operation content to a plurality of computers

In referring to claims 3 and 7,

- Adding identification information for identifying which clients are to receive the operation:

Cohen, col. 8, lines 40-50 (see full quote above), propagating the operation to the proper users inherently implies adding identification information for identifying said users

In referring to claims 4, 8, 9, and 10,

- A means for delaying transmission of operation content to the synchronization server:

Cohen, col. 8, lines 40-50 (see full quote above), manual events are not automatically sent as are other events, which delays the transmission until the user decides to send it

In referring to claims 5, 11, 12, 13, 17, and 19,

- Customer operated terminal devices of a financial institution or terminal devices operated by an operator:

A system that comprises a plurality of terminals inherently implies said terminals are operated by operators

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Claims 6, 14-16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Eintracht and in further view of Wittsche et al. (U.S. Patent Number 6,567,405, hereinafter "Wittsche")

Although Cohen in view of Eintracht shows substantial features of the claimed invention, Cohen in view of Eintracht does not show the system is used at a merchant side help desk. Nonetheless this feature is well known in the art and would have been an obvious use of the system disclosed by Cohen in view of Eintracht as evidenced by Wittsche.

In analogous art, Wittsche discloses a computer system and method for providing an on-line mall with a merchant-side help desk (Figure 3, element 306). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Cohen in view of Eintracht so as to allow collaboration between customers and the merchant side help desk, such as taught by Wittsche, in order to allow said collaboration to occur in real time.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
Art Unit 2153

smk


ZARNI MAUNG
PRIMARY EXAMINER